

REMARKS

The present document is submitted in response to the final Office Action dated March 30, 2011 (“Office Action”).

Applicant has renumbered previously presented claims 35-38 as claims 34-37 and changed dependencies of claims 35 and 37 accordingly. Further, Applicant has amended claims 1, 2, 4, 12, 14, and 34-37, support for which can be found throughout the specification, e.g., at page 2, 4th paragraph; and page 8, 2nd paragraph. No new matter has been introduced.

Upon entry of the above-proposed claim amendments, claims 1-21 and 34-37 are currently pending and under examination. Applicant respectfully requests that the Examiner reconsider this application in view of the following remarks.

Claim Objection

The Examiner objects to previously presented claims 35-38 for not being numbered consecutively following the highest numbered claim previously presented. Office Action, page 2, 2nd paragraph. Following the Examiner’s request, Applicant has renumbered these claims as claims 34-37, thereby obviating the objection.

Rejection under 35 U.S.C. §103

The Examiner has rejected claims 1-21 and 34-37 under 35 U.S.C. §103(a) as being unpatentable over Aebischer et al., US Patent 5,092,871 (“Aebischer”), in view of Cheng et al., US Patent No. 6,235,041 (“Cheng”). Office Action, pages 2-4.

For the sole purpose of accelerating prosecution, Applicant has amended independent claims 1 and 12. At least for the reasons set forth below, claims 1 and 12 as amended are not obvious over Aebischer in view of Cheng.

Amended claim 1 is directed to a method of repairing a nerve root avulsion between a peripheral nerve and the central nervous system in a living vertebrate, comprising connecting an avulsed end in the peripheral nerve to a portion of the central nervous system through a pia incision,

and applying a fibrin glue mixture to the avulsed end in the peripheral nerve and the portion of the central nervous system.

Amended claim 12 is directed to a method of connecting an avulsed end of an intercostal nerve to a cervical root of a spinal cord in a living vertebrate. Like amended claim 1, amended claim 12 also requires bringing the avulsed end of the intercostal nerve close to the cervical root through a pia incision, and applying a fibrin glue mixture to the avulsed end of the intercostal nerve and the cervical root.

Aebischer reports a method for repairing a severed nerve with a medical device, which includes a guidance channel having openings adapted to receive the ends of the severed nerve. Abstract. To practice this method, the cut ends of a nerve are drawn into the guidance channel, placed in proximity, and secured in position by sutures through the channel. Column 5, lines 25-33; and Fig. 1.

Cheng discloses a method for repairing gaps in the central nervous system (CNS) using a medical device. Abstract. The device contains holes for inserting nerve grafts that bridge a CNS gap, such as a spinal cord gap, and redirecting specific pathways from the white matter to the grey matter. Column 7, lines 24-26 and lines 55-57.

The nerve gap repairing methods reported in both Aebischer and Cheng require medical devices in which the ends of a nerve gap are brought into proximity. Neither reference teaches or suggests bringing the gap ends into proximity through a pia incision as required by the methods of amended claims 1 and 12. Thus, the combination of Aebischer and Cheng would not have arrived at the claimed methods and, therefore, would not have rendered obvious amended claims 1 and 12. Their combination also would not have rendered obvious claims 2-11, 13-21, and 34-37, all of which depend from claim 1 or claim 12.

In view of the above remarks, Applicant respectfully requests that the Examiner withdraw this obviousness rejection.

CONCLUSION

For the foregoing reasons, Applicant believes that the instant application is in condition for allowance. Favorable consideration is therefore respectfully solicited.

Please charge our Credit Card in the amount of \$ 245 covering the time extension fee set forth under 37 CFR 1.17(a)(2). If this reply is not considered timely filed and a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee due and authorization is not provided elsewhere for such fee, including an extension fee, please charge our Deposit Account No. 23/2825, under Docket No. L0735.70003US00 from which the undersigned is authorized to draw.

Dated: August 30, 2011

Respectfully submitted,

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